

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

CALVIN WATTERSON,

Plaintiff,

vs.

No.

UNITED STATES OF AMERICA,

Defendant.

COMPLAINT FOR DAMAGES
ARISING FROM NEGLIGENCE OF FEDERAL HEALTHCARE PROVIDERS

Plaintiff alleges as follows:

Jurisdiction and Parties

1. This action is brought under the Federal Tort Claims Act. This Court has jurisdiction over this case pursuant to 28 U.S.C. § 1346(b)(1).

2. Plaintiff Calvin Watterson is a Native American individual who, at the time of the events described herein, was eligible for health care services provided by the Indian Health Service.

3. The Indian Health Service is a division of the Department of Health and Human Services of the Defendant United States.

Facts Giving Rise to the Claim

4. On August 9, 2013 Mr. Watterson underwent surgery at Northern Navajo Medical Center. His diagnosis was chronic cholecystitis with cholelithiasis, or gallbladder inflammation and gallstones. The surgery that was performed was a laparoscopic cholecystectomy, a procedure to remove the gallbladder.

5. During the surgery, the surgeon or assistant cut Mr. Descheeny's common bile duct. The common bile duct is a tube connecting the liver, gallbladder, and pancreas to the small intestine. The surgeon mistakenly thought the common bile duct was the cystic duct, which connects the gallbladder to the common bile duct.

6. As a result of the severing of the common bile duct, Mr. Watterson was required to under major reconstructive surgery with a period of hospitalization at the University of New Mexico Hospital in Albuquerque.

7. Because of the severing of the common bile duct and the need for reconstructive surgery, Mr. Watterson incurred additional pain, distress, and delayed healing, as well as medical treatment expenses and loss of income.

8. As a further consequence of the injury, Mr. Watterson has had complications including persistent digestive and urinary symptoms. He will need additional medical treatment and monitoring, and is at risk of additional consequences such as liver damage, infection, nutritional deficiency, rupture and repeat surgery.

9. Also as a result of the severance of the bile duct, Mr. Watterson has been unable to return work, and has incurred loss of income, which will continue into the future.

Claim for Relief

10. Defendant, through its medical personnel at Indian Health Service, negligently failed to exercise due care in the performance of gallbladder surgery on Mr. Watterson. The actions of Defendant's medical personnel fell below the standard of care and constitute medical negligence under the law of the place where the acts occurred.

11. The United States is liable for damages resulting from these acts and omissions, pursuant to 28 U.S.C. § 2674.

12. Plaintiff has exhausted his administrative remedy by filing a claim more than six months prior to the filing of this complaint, in compliance with 28 U.S.C. § 2675(a).

Wherefore, Plaintiff requests that this Court enter judgment in his favor and award damages in an amount proven at trial and such other and further relief as the Court may deem appropriate.

Respectfully submitted,

_____/s/_____
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